



#14/Response
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PATENT *DBW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Goguen et al.

Examiner: Tsai

Serial No.: 09/641,773

Art Unit: 2857

Filed: August 18, 2000

For: Post Data Processing of a Mass Storage System

Commissioner for Patents
Box 1450,
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. § 1.8(a)

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RESPONSE TO ADVISORY ACTION

The Examiner issued an Advisory Action on April 2, 2003, in which she maintained her rejection of the claims as set forth in the final office action. In the final office action, the Examiner rejected Claims 1-3 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,953,689¹ issued to Hale ("Hale") in view of Japanese Patent No. 08241277 issued to Voigt ("Voigt"). The Examiner also rejected Claims 4 and 5 under § 103(a) as being unpatentable over Hale in view of Voigt and further in view of U.S. Patent No. 4,633,471 issued to Perera et al. ("Perera"). Reconsideration and allowance of the application are requested.

¹ The office action indicated that the Hale reference is U.S. Patent No. 5,953,686. This is believed to be a typographical error with the correct patent number being 5,953,689.

The Examiner rejected Claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over Hale in view of Voigt. In the final office action, the Examiner stated that Hale discloses all of the claim elements except processing the accumulated data regarding the performance of the mass storage system in response to the host generated commands, the processing comprising validating and correcting, as required, the accumulated data. The Examiner contends, however, that Voigt teaches this step (in the Abstract, lines 1-7; Solution, lines 1-11; and Blocks 0023-0033), and that it would have been obvious to modify Hale to include this step. These claim rejections are respectfully traversed.

Voigt discloses a system for identifying methods of improving performance in data storage systems. In particular, Voigt discloses sampling a "performance measuring standard" (which appears to be some measured value) during operation of a storage system; determining if the performance measuring standard meets some specification; and suggesting to the user ways of improving performance of the system in the event the performance measuring standard does not meet the specification. Voigt does not disclose or suggest processing accumulated data regarding mass storage system performance by validating and correcting, as required, the accumulated data as specified in Claim 1. Voigt, by contrast, only discloses suggesting corrections to the system in order to improve its performance; it does not teach validating and correcting the data relating to system performance itself. Voigt also does not recognize any need for or otherwise suggest processing accumulated data on system performance by validating and correcting it, as required. Therefore, even assuming that the Examiner's combination of Voigt and Hale is proper under §103, the combination does not teach (or suggest) each and every limitation of the claims as required for a rejection under §103.

In the final office action, the Examiner stated that "Voigt not only discloses corrections to the system in order to improve its performance but also discloses validating and correcting data relating to system performance." The Examiner cited three portions of the reference to support her position.

The Examiner first referred to the abstract (lines 1-7) and, in particular, to the following text:

To provide a method for improving and specifying performance of storage system by which the performance of an operated storage system is evaluated with the purpose of monitoring or predicting such a state that gives an adverse influence on the performance and, when it is detected that the performance is not optimum, the user of the system is warned of it so that the user can take a measure to improve the performance.

This portion of the Voigt reference appears to disclose improving performance of a storage system by monitoring performance and, when non-optimal performance is detected, the user is warned to take some measure to improve performance. The cited text does not in any way disclose or suggest validating and correcting data relating to system performance.

The Examiner also referred to the "Solution" section of Voigt, in particular to the following text in lines 1-11:

An evaluating period is selected and whether or not an arbitrary measuring standard meets the specification is discriminated (62). When one or more performance measuring standards do not meet the specification, one or more proposals which are useful for improving the performance of the data storage system are given (68).

This cited text similarly appears to disclose providing "proposals" for improving performance of the data storage system when a performance measuring standard does not meet a specification. Again, it is unclear how the cited text in any way discloses or suggests validating and correcting data relating to system performance.

The Examiner also stated that Voigt discloses validating and correcting data relating to system performance in Blocks 0023-0033. This cited text describes identifying and measuring "performance metrics". Again, it does not in any way disclose or suggest validating and correcting data relating to system performance.

In the Advisory Action, the Examiner contends that the step of accumulating data regarding performance of the mass storage system is disclosed by Voigt by sampling performance measuring standards. The Examiner contends that "validating and correcting," as required, the accumulated data regarding performance of the mass storage system broadly read on determining if some performance measuring standard is at some desired level of performance, and suggesting to a user ways of improving performance of the system in the event the performance measuring standard is not at the desired level of performance.

Validating data as used herein means to check the data for errors. For example, validation can feature checking individual data points for errors by applying predetermined decision criteria to the data points. Thereafter, the data can be corrected, as required. If the Examiner's position is that the performance measuring standard is "validated" by checking if it is at some desired level of performance, then an explanation is requested as to how this performance measuring standard is then "corrected, as required" as specified in Claim 1. Voigt, of course, does not do this; all it does is to suggest ways of improving system performance, which is very different from correcting the performance measuring standard itself.

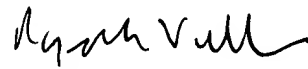
Claim 1 is therefore allowable over the combination of the Hale and Voigt references. Claims 2-5 are dependent on Claim 1 and are similarly allowable.

Claims 1-5 are pending in the present application. As the application is now believed to be in condition for allowance, issuance of a Notice of Allowance is respectfully requested.

This submission and request for continued examination are being filed with a three month extension of time. As payment for the first month extension was

previously made, an extension fee of \$820.00 should be charged to Deposit Account 08-0219. Please charge any deficiency in this fee or any additional fees to this deposit account.

Respectfully submitted,



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